WEST VIRGINIA CODE: §18-5E-8

§18-5E-8. Innovation in Education/Mastery-Based schools; legislative findings, purpose and intent; definitions; applicability of other provisions; state board duties for implementation; student credentials upon transfer and matriculation.

(a) The Legislature finds that when instruction is delivered to a class of students at a uniform pace, some students accumulate knowledge and skill deficits as they progress through the curriculum which, particularly in the STEM areas, limit their ability to be successful at higher levels. This traditional time-based system of education pushes students forward at the end of the allotted time period even if they have not mastered the content fully. For too many students, these accumulated deficits result in required remediation prior to undertaking collegiate level coursework or at least some gaps in the preparation of recent high school graduates for the demands of the workplace. Concurrently, this time-based system limits the educational progress of students who do master the content more quickly by not permitting them to move on to more challenging material, elective subjects, or dual credit and advanced placement courses that they have already demonstrated their readiness to undertake.

The Legislature finds further that new approaches to educational delivery that simultaneously address these challenges are being implemented in some innovative schools and school systems. These approaches use an instructional delivery model where students progress as they master the content, rather than when they receive at least the minimum passing grade at the end of a set time period. These approaches, typically referred to as mastery-based, proficiency-based or competency-based education, empower students who demonstrate content mastery to progress more quickly to higher levels and, consequently, allow additional attention to be given to meeting the needs of those who have not yet mastered the content. Because the shift to such models often requires fundamental changes in scheduling, assessment, grading, the award of credits and diplomas and other aspects of traditional schooling, implementation requires an intentional approach that engages multiple stakeholders in developing and executing a long-term plan. The statutes and policies designed to regulate the traditional time-based system may also create real or perceived barriers to a mastery-based approach. For these reasons, several states have established pilot programs specific to implementing these new approaches that provide developmental assistance, additional support and regulatory waivers when necessary for the pilot schools to make the transition.

(b) The purpose of this section is to create a separate category under this act, entitled Innovation in Education/Mastery-Based, for schools interested in undertaking the transition to mastery-based education. It is the intent of this section to establish a multistep process that assists these schools to develop a broader awareness and understanding of mastery-based education prior to application, assess the capacity and readiness of schools to proceed, allow several options for implementation or for opting-out of the application

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process, and create an network incubator process for continuing the support of schools designated as Innovation in Education/Mastery-Based schools following full application and grant award.

(c) For purposes of this section:

"Incubator process" means a process where schools that are willing and ready to begin implementing a mastery-based model of education form a network of not more than 20 mastery-based education schools. The schools in this network will receive support for, including, but not limited to, program development, professional development, stakeholder education, establishing mastery assessment, coaching and on-going technical assistance. The incubator process will enable schools within the network to share information on their progress and setbacks, collaborate on innovative approaches, and provide data on student progress and best practices for the continued implementation of mastery-based education.

"Mastery-based education" means an education system designed to improve educational outcomes by advancing student mastery of content knowledge and skills through the following core principles:

(A) Student advancement upon mastery of a concept or skill;

(B) Competencies that include explicit, measurable, and transferable learning objectives that empower a student;

(C) Assessment that is meaningful and provides a positive learning experience for a student;

(D) Timely, differentiated support based on a student’s individual learning needs;

(E) Learning outcomes that emphasize competencies that include application and creation of knowledge along with the development of important skills and dispositions;

(F) Incorporating partnerships with post-secondary institutions and members of industry; and

(d) Other provisions of this article related to schools designated as Innovation in Education schools also apply to Innovation in Education/Mastery-Based schools unless otherwise specifically provided by this section, including, but not limited to, the following:

(1) Innovation in Education/Mastery-Based schools are not limited to the implementation of key innovational priorities in the five areas, i.e., STEM, community school partnership, entrepreneurship, career pathways, and the arts, listed in §18-5E-1 of this code. References in this article to these areas relative to Innovation in Education application, designation, plan and evaluation for the purposes of this section means Innovation in Education/Mastery-Based and are applicable to Innovation in Education/Mastery-Based schools except as otherwise provided in this section: Provided, That nothing in this subdivision prohibits an Innovation in Education/Mastery-Based school from including an emphasis in one or more of

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the five listed areas in their mastery-based plan, nor prohibits a school previously designated as an Innovation in Education school from transitioning to mastery-based education under this section;

(2) The application, application review and state board rule pursuant to §18-5E-3 of this code for implementing Innovation in Education schools shall be modified to accommodate the multistep process for Innovation in Education/Mastery-Based schools consistent with the provisions of this section; and

(3) Legislative appropriations made for Innovation in Education/Mastery-Based schools shall be deposited in the Innovation in Education Fund created in §18-5E-7 of this code and may be used solely for the purposes of Innovation in Education/Mastery-Based schools consistent with this section.

(e) The state board shall perform the following activities for implementing the Innovation in Schools/Mastery-Based program:

(1) Establish an advisory committee including, but not limited to, public school professional educators, representatives of community and technical colleges, colleges and universities, employers and organizations advocating for education on behalf of employers, parents and Department of Education staff and others who may possess knowledge of mastery-based education. The advisory committee shall advise and assist the state board in carrying out the activities under this section, including, but not limited to, building a broader awareness and understanding of mastery-based models of education, identifying potential roadblocks and potential solutions to implementing mastery-based models of education, recognizing student mastery upon matriculation or transfer, establishing evaluative criteria to assess the readiness of schools to undertake the transition to mastery-based education, reviewing applications of schools interested in implementing mastery-based education and making recommendations to the state board and developing an incubator process for supporting the network of schools willing and ready to begin the transition to a mastery-based education model;

(2) Promote a broader awareness and understanding in mastery-based education among teachers, administrators, parents, students, business leaders and policymakers;

(3) Develop and publish an application designed specifically for schools interested in initial consideration for becoming an Innovation in Education/Mastery-Based school. The application for initial consideration is separate from the application for Innovation in Education designation pursuant to §18-5E-3 of this code and may not require an Innovation in Education plan pursuant to §18-5E-4 of this code. In addition, the application process shall:

(A) Include the evaluative criteria that will be used to assess the readiness of schools to undertake the transition to mastery-based education. Within the evaluative criteria, the state board may include an intent to select any proportion of schools of diverse demographic

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character and programmatic levels for participation in the initial network of mastery-based education schools; and

(B) Be open to all schools including those currently designated as Innovation in Education schools who are interested in adding mastery-based education to their existing plan;

(4) Establish a process, which may include an on-site visit to schools which apply for initial consideration for becoming an Innovation in Education/Mastery-Based school to assess the readiness of applicants to undertake the transition to mastery-based education. This process shall be used to assist in identifying and recommending to the state board an initial network of not more than 20 schools who are ready to undertake the transition to mastery-based education.

(5) Establish a process to deepen the understanding of mastery-based education of the schools selected for the initial network of schools. The process may include, but is not limited to, visits to schools that have implemented an education system that incorporates the core principals of mastery-based education as defined in this section.

(6) For schools selected for the initial network who elect to proceed with the implementation of a mastery-based model of education, provide technical assistance to prepare an Innovation in Education/Mastery-Based plan and operational agreement with their county board as provided in §18-5E-4 and §18-5E-5 of this code. Schools in the initial network may:

(A) Opt-out of further participation prior to submission of an Innovation in Education/Mastery-Based plan and agreement;

(B) Apply for an Innovation in Education/Mastery-Based grant for the transition to a mastery-based education model within a limited subject area or areas across multiple grade levels, such as, but not limited to, mathematics or STEM related academic and technical programs of study; or

(C) Apply for an Innovation in Education/Mastery-Based grant for the transition to a school-wide mastery-based education model or other configurations as may be determined practicable by the state board.

(7) In addition to any applicable measures of success required for an Innovation in Education plan pursuant to §18-5E-4 of this code, an Innovation in Education/Mastery-Based plan shall include a subset of uniform measures of success in improving education outcomes by advancing student mastery of the content knowledge and skills.

(8) Implement an incubator process to support the network of schools that are awarded Innovation in Education/Mastery-Based education grants pursuant to this article.

(f) In addition to any grant or other financial assistance awarded to a school designated as an Innovation in Education/Mastery-Based school in accordance with this section, the school shall participate in the incubator process established under this section.

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(g) A student enrolled at a school that establishes mastery-based education who then transfers to another school within the county or in any other county in this state that does not have a mastery-based education program, may not be penalized by being required to repeat course work covering content that the student has successfully mastered or by any other penalty related to the student's previous attendance in the mastery-based education program.

(h) An institution of higher education in this state shall recognize and accept credentials and diplomas awarded to students indicating a level of content mastery gained, in whole or in part, through mastery-based education on equal footing as a traditional high school transcript and diploma.

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